

Claims 1-11 stand rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. The Examiner has also stated that claims 6-7 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph, set forth in this Office Action and to include all the limitations of the base claim and any intervening claims. Applicants respectfully submit that the Examiner has erred in concluding that claims 1-11 are indefinite. Applicants have therefore submitted a Notice of Appeal and hereby request a pre-appeal brief panel review of the Examiner's rejections.

The test for determining compliance with the written description requirement is whether the disclosure of the application as originally filed reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter, rather than the presence or absence of literal support in the specification for the claim language. *In re Edwards*, 558 [568] F.2d 1349, 196 USPQ 465 (CCPA 1978); *In re Herschler*, 591 F.2d 693, 200 USPQ 711 (CCPA 1979); *In re Kaslow*, 707 F.2d 1366, 217 USPQ 1089 (Fed. Cir. 1983).

The Examiner alleges that the pending claims are not definite because they allegedly do not clearly define the limitations "using information," "associated with the first authentication process," and "information." Applicants respectfully disagree and submit that the Examiner has erred by applying an inappropriately restrictive standard for

determining whether the pending claims are definite. As discussed herein, the standard for determining whether the pending claims are definite is whether the present application "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter," *e.g.*, the subject matter set forth in the pending claims. Applicants respectfully submit that the pending claims are definite for at least the following reasons.

Claims 1 and 9 use the phrase: "associated with the first authentication process." In particular, the claims set forth "deriving a key associated with the first authentication process." The Examiner alleges that this phrase is not clearly defined. Applicants respectfully disagree. The specification clearly teaches that an access terminal can use information contained in an authentication response to derive a secret Challenge Handshake Authentication Protocol (CHAP) key. See Patent Application, page 11, lines 9-10 and Figure 3. Applicants therefore respectfully submit that persons of ordinary skill in the art having benefit of the present disclosure should appreciate that the CHAP key is associated with the first authentication process, *e.g.*, the CHAP authentication process used to authenticate the access terminal to the network.

Claim 11 sets forth an access terminal that provides a response formed from a secret CHAP key that is derived using information retrieved from a subscriber identity module in the access terminal when the CHAP challenge is an authentication challenge. The Examiner alleges that the phrase "using information" is not clearly defined.

Applicants respectfully disagree. The specification states that one embodiment of the access terminal concatenates a 64-bit SMEKEY and a 40-bit PLCM received from the USIM to derive the secret CHAP key. See Patent application, page 11, lines 9-14. Applicants respectfully submit that the 64-bit SMEKEY and the 40-bit PLCM are "information retrieved from a subscriber identity module." Furthermore, Applicants respectfully submit that those skilled in the art should appreciate that the secret CHAP key may be derived from the authentication response using a variety of algorithms without departing from the spirit and scope of the instant invention. See Patent application, page 11, lines 9-14. Applicants therefore respectfully submit that alternative embodiments may use information other than the 64-bit SMEKEY and/or the 40-bit PLCM. Applicants therefore respectfully submit that claim 11 is definite and fully supported by the specification.

For at least the aforementioned reasons, Applicants respectfully submit that the Examiner has erred in rejecting the pending claims under 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the Examiner's rejections of claims 1 to 11 under 35 U.S.C. § 112, second paragraph, be REVERSED.